

Honorable Samuel J. Steiner
Chapter 13
Hearing Date: August 18, 2010
Hearing Time: 9:30 a.m.
Hearing Location: Courtroom 8106
Response Date: August 11, 2010

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re

PATRICIA A SAWYER,

Debtor.

No. 08-15933-SJS

THIRD INTERIM APPLICATION FOR
COMPENSATION OF ATTORNEYS'
FEES AND REIMBURSEMENT OF
COSTS

I. INTRODUCTION

Pursuant to 11 U.S.C. §331 and Local Bankruptcy Rule 2016, Resolve Legal PLLC, (“Resolve Legal”), counsel for the Debtor herein, hereby makes this application for compensation for services rendered as is set forth below. Resolve Legal applies for allowance and payment of fees in the amount of \$5,488.00 and costs in the amount of \$74.42 for a total request of \$5,562.42.

As will be discussed, in detail below, the total fees are broken down into two discreet categories: (1) the main Chapter 13 case and (2) the adversary proceeding against Countrywide Mortgage. As noted in the attached billing statements, Resolve Legal has written off, or “no charged” a significant amount of otherwise billable time.

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II. FEES BACKGROUND

Resolve Legal filed two previous fee applications. The first fee application covered the period from June 13, 2008, through November 19, 2008. By entry of an Order on January 6, 2009, Resolve Legal was awarded fees in the amount of \$4,548.50 and costs in the amount of \$342.70, for a total of \$4,891.20. Of this amount, Resolve had applied \$1,823.00, from funds that it held in Trust.

The second fee application was filed on April 15, 2010, and covered the period from November 26, 2008 through April 13, 2010. By entry of an Order on May 10, 2010, Resolve Legal was awarded fees for the Chapter 13 proceeding in the amount of \$4,478.50 and costs in the amount of \$79.01.

Resolve Legal received a check from the Trustee on July 8, 2010, in the amount of \$7,625.71 for its award of fees from the May 10, 2010 order. The amount of \$3,146.32 in pre-confirmation fees remains outstanding in the Chapter 13.

Through its second fee application filed on April 15, 2010, Resolve Legal also sought and was awarded fees in the amount of \$8,950.00 and costs in the amount of \$9.36, through entry of the Order on May 10, 2010, less amounts to be paid by Countrywide in satisfaction of \$7,500.00 worth in fees as a result of settlement reached through the adversary.

Resolve Legal received and applied \$7,500 from Countrywide and \$1,459.36 from the Trustee on July 8, 2010, and applied these funds to fees on the adversary, resulting in a balance of \$2,410.50 remaining on the adversary and accrued between the dates of April 16, 2010, and June 6, 2010.

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III. NARRATIVE SUMMARY OF SERVICES PROVIDED, RESULTS OBTAINED
AND BENEFIT TO THE ESTATE.

The procedural history and summary of the filing of Ms. Sawyer's bankruptcy and the subsequent procedure following the bankruptcy and the adversary's administration have been summarized in her previous fee application in detail. Resolve's continuous representation of Ms. Sawyer that has been performed between April 13, 2010, and the filing of this fee application, has primarily consisted of work to complete settlement and to dismiss the adversary, and work necessary to amend and submit a confirmable plan, negotiate with the Trustee regarding confirmation, and to have that plan ultimately confirmed by the Court. As set forth above, the total requested fees are composed of two separate and discreet matters. Each matter will be detailed herein, including a breakdown into the various subcategories required by Local Bankruptcy Rule 2016.

A. Chapter 13 Proceeding

From April 13, 2010, through July 9, 2010, Resolve Legal incurred fees of \$3,082.50 and costs of \$63.82, for a total request of \$3,146.32 for the Chapter 13 Proceeding.

Case/General Administration. Fees in this category relate primarily to numerous communications with Debtor regarding various issues, including preparation of pleadings regarding the Chapter 13 Trustee's motion to dismiss and attendance at hearing, amendments to the Plan, explanation of Plan amendments to the Debtor, and Debtor's memorandum in support of confirmation of her Chapter 13 Plan; it also includes telephone calls with creditors and the Chapter 13 Trustee's office regarding various confirmation issues regarding the

1 Debtor's Chapter 13 Plan. Approximately \$3,032.50 of the fees, including the various "no
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3 charge" items and 15.8 hours of legal services are attributable to this category.
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5 **Fee and Employment Applications.** Fees in this category relate to preparation of the
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7 second interim fee application. Approximately \$50.00 of the fees, including the various "no
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9 charge" items and 6.0 hours of legal services are attributable to this category.
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11 **Dismissal of Adversary.** Fees in this category relates to pleadings regarding the
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13 dismissal of the adversary proceeding against Countrywide. Approximately \$0.00 of the fees,
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15 including the various "no charge" items and 5 hours of legal services are attributable to this
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17 category.
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21 **B. Adversary Proceeding (09-01241-PHB).** For the period April 16, 2010,
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23 through June 9, 2010, Resolve Legal incurred total fees of \$2,405.50 and total costs of \$5.00
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25 for a total request of \$2,410.50.
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28 The adversary fees were incurred primarily reviewing settlement documents and
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30 revising and editing settlement terms. Fees also included reviewing, editing, explaining to the
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32 client the terms of the loan modification. Fees also included drafting and completing, and
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34 subsequently attending Court for hearing on the motion to approve the settlement. The parties
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36 reached agreement and filed a separate motion for approval of the settlement. The adversary
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38 was dismissed by Order of this Court on June 15, 2010.
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42 Approximately of \$2,405.50 including the various "no charge" items and 10.6 hours of
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44 legal services are attributable to the adversary proceeding and are related to completion and
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46 finalization of the settlement and subsequent dismissal of the adversary.
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1 **C. General Comments**
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3 A copy of the application for compensation is being sent to the Debtor for review.
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5 Itemization of Time and Expenses. Attached to the Declaration in Support of Third
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7 Interim Application For Compensation of Attorneys' Fees and Reimbursements of Costs are
8 true and correct copies of invoices #6698 for the Chapter 13 and #6697 for the Adversary
9 Proceeding with itemized time records of Resolve which set forth the date each service was
10 rendered, the identity of the person performing the service and a detailed description of the
11 service rendered and the time spent performing the service, the total number of hours spent
12 and the total amount of compensation requested, accompanied by a statement of expenses, by
13 category, for which reimbursement is sought.
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24 In-house photocopies are generally not charged. If the copy number is large it is billed
25 at the rate of 10¢ per page. Whenever possible, a local photocopy service is used for large
26 copying projects and those fees are billed at actual cost. There is no charge for outgoing or
27 incoming facsimile transmissions. Expenses incurred for postage, overnight delivery services,
28 courier services and long distance calls are charged at their actual rate.
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34 Computerized legal research is billed at actual cost. Lexis, Westlaw, and Pacer are the
35 various services used by Resolve Legal PLLC. Pacer is billed at 8¢ per page. Lexis and
36 Westlaw rates vary depending upon the type of search and size of database. Resolve endeavors
37 to use the most cost efficient service in relation to the information which is sought.
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44 Although there were several billing attorneys on the Sawyer matter, Resolve Legal
45 PLLC was careful not to duplicate any billable work. Any senior attorneys who billed to the
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1 file did so only in a supervisory capacity to add relevant, substantive, and efficient work
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3 product or guidance in a specific area of expertise.
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5 Attorney and paralegal time has been billed hourly by the following individuals at the
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7 following hourly rates:
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9 Name:	10 <u>Rate:</u>
11 Shelly Crocker	12 \$295.00
13 J. Todd Tracy	14 \$325.00
15 Taryn M. Darling Hill	16 \$225.00 – 245.00
17 Nancy Hunter	18 \$100.00 – 125.00

19 The source of payment for the requested compensation and reimbursement of
20 expenses are the Debtor's post-petition income that has been paid and will be paid to the
21 Chapter 13 Trustee.
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23 All services for which compensation is sought were reasonable and necessary for the
24 administration of this estate and were performed for and on behalf of the Debtor and not on
25 behalf of any other person.
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27 No agreement or understanding exists between the applicant and any other person for
28 the sharing of compensation received or to be received for services rendered in, or in
29 connection with this case.
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32 **D. Status of Case**
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34 The Chapter 13 Plan has been confirmed, and Debtor has timely made plan payments
35 and is current in her plan payments. The secured creditor now stands to benefit by the resolution
36 that has resulted from settlement of the adversary action. In addition, Debtor has the chance to
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1 stay in her home and resolve deficiencies in her mortgage. Creditors are significantly benefited
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4 by this Chapter 13 Plan and Debtor's counsel should be compensated for services rendered.
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6 **VI. CONCLUSION**
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8 The application for compensation, as set forth above and in the attached invoices, has
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10 been substantially reduced from the fees actually incurred. The fees requested are more than
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12 reasonable compensation for actual, necessary services rendered by Resolve Legal PLLC.
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14 The rates charged are very reasonable for the level of service provided. The application is
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16 based on the nature, the extent and the value of the services performed, time spent on such
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18 services, and the cost of comparable services. Further, the request for reimbursement of costs
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20 is for actual and necessary expenses that were incurred for the benefit of the estate. For the
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22 foregoing reasons, the Court should allow and authorize payment of fees in the amount of
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24 \$5,488.00 and costs in the amount of \$74.42, for a total request of \$5,562.42.
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28 DATED this 20th day of July 2010.
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30 RESOLVE LEGAL PLLC
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32 By /s/ Taryn M. Darling Hill
33 Taryn M. Darling Hill, WSBA #38276
34 Attorneys for Debtor Patricia Sawyer
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